

**KENTUCKY PERSONNEL BOARD
MINUTES OF JULY 10, 2015**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chairman Doug Sapp on July 10, 2015, at approximately 9:30 a.m., 28 Fountain Place, Frankfort, Kentucky.

Board Personnel Present:

Wayne "Doug" Sapp, Chairman
Larry B. Gillis, Vice Chairman
David B. Stevens, Member
David F. Hutcheson, Jr., Member
Tommy W. Chandler, Member
Amanda Cloyd, Member
Mark A. Sipek, Executive Director and Secretary
Boyce A. Crocker, General Counsel
Linda R. Morris, Administrative Section Supervisor
Cynthia Perkins, Administrative Specialist

Board Personnel Absent:

William "Bill" Sheckles, Member

2. **READING OF THE MINUTES OF REGULAR MEETING HELD JUNE 19, 2015**

The minutes of the last Board meeting had been previously circulated among the members. Chairman Sapp asked for additions or corrections. Dr. Stevens moved to approve the minutes, as submitted. Mr. Gillis seconded and the motion carried 6-0. The Board members signed the minutes.

3. **EXECUTIVE DIRECTOR'S REPORT**

Prior to Mr. Sipek's report, Chairman Sapp thanked Ms. Linda Morris, who is retiring at the end of July 2015, for her outstanding service with the Kentucky Personnel Board. Ms. Morris was then presented with a plaque from the Board and wished a long and happy retirement.

Mr. Sipek stated that the Board ended the fiscal year in good financial shape. The Board has received assessments from various state agencies for the 2015-2016 fiscal year, getting the Board off to a good start.

At the conclusion of Mr. Sipek's report, Chairman Sapp called for the Personnel Cabinet's report.

4. **PERSONNEL CABINET'S REPORT**

The Hon. Dinah Bevington, Executive Director, came forward to present the Personnel Cabinet's report. Ms. Bevington introduced the Hon. Rosemary Holbrook, who replaced the Hon. Whitney Meagher in the Legal Services office.

Ms. Bevington stated that the Personnel Cabinet was part of a progress report before the Interim Joint Committee on the Transportation Cabinet. During the 2014 legislative session and pursuant to HB 236, salaries pertaining to Transportation Engineers (in light of high turnover rates and high contract costs) were to be reviewed. The Personnel Cabinet did a large study with other states and also looked at the private sector. The Personnel Cabinet's recommendations were given to the Transportation Cabinet and resulted on an average of 20 percent salary increase for the Transportation Engineers. The cost will be about 7.8 million dollars a year; however, it will save about 150 million dollars spent on contracting fees. Approximately 500 employees were affected.

Ms. Bevington advised that the Kentucky Enterprise Learning Management System (KELMS) went live on July 1, 2015. KELMS is a centralized system where managers can go online and see which employees had completed training and the employees will also be able to track their own progress as well.

As a result of the U.S. Supreme Court ruling on same-sex marriage, the Kentucky Employees' Health Plan (KEHP) will provide a sixty-day special enrollment (July 1 – August 31, 2015) to accept applications to cover spouses and dependents. Ms. Bevington stated that as of this date, the Cabinet has received one application.

Ms. Bevington stated that the regulations that were approved by the Board in May 2015 were effective as of July 6, 2015.

5. **ORAL ARGUMENTS**

A. ~~**Kimberly Goodwin v. Public Protection Cabinet (2014-226)**~~
SETTLED

B. **William Krider v. Justice and Public Safety Cabinet (Juvenile Justice)**
(2015-025)

Present for oral arguments were counsel for Appellant, the Hon. Jerry Anderson, and counsel for Appellee, the Hon. William Codell. After presenting oral arguments, the parties answered questions from the Board.

C. Thomas Mark Tarter v. Energy and Environment Cabinet (2014-194)
(Moved from April meeting)

Present for oral arguments were counsel for Appellant, the Hon. Sarah Bishop (in place of the Hon. Paul Harnice), and counsel for Appellee, the Hon. Leesa Moorman. After presenting oral arguments, the parties answered questions from the Board.

6. CLOSED SESSION

Mr. Hutcheson moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications. Dr. Stevens seconded. Chairman Sapp stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), and (j), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 6-0. (10:30 a.m.)

Mr. Hutcheson moved to return to open session. Dr. Stevens seconded and the motion carried 6-0. (11:10 a.m.)

7. CASES TO BE DECIDED

The Board reviewed the following cases. At that time, the Board considered the record including the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

- A. ~~Kimberly Goodwin v. Public Protection Cabinet (2014-226)~~ - Settled**
- B. William Krider v. Justice and Public Safety Cabinet (Juvenile Justice)**
(2015-025)

Mr. Hutcheson, having noted Appellant's exceptions, Appellee's response and oral arguments, moved to accept the recommended order dismissing the appeal. Ms. Cloyd seconded and the motion carried 6-0.

C. Thomas Mark Tarter v. Energy and Environment Cabinet (2014-194)
(Moved from April meeting)

Judge Chandler, having noted Appellant's exceptions, Appellee's response and oral arguments, moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 5-0, with Mr. Gillis recusing.

D. Chris Campbell v. Transportation Cabinet (2015-014)

Mr. Gillis moved to accept the recommended order dismissing the appeal. Mr. Hutcheson seconded and the motion carried 6-0.

E. Charles Garland v. Justice and Public Safety Cabinet (State Police) (2010-267)

Judge Chandler moved to accept the recommended order dismissing the appeal. Mr. Gillis seconded and the motion carried 5-0, with Ms. Cloyd recusing.

F. Katrisha Waldrige v. Education and Workforce Development Cabinet (2014-189)

Mr. Gillis moved to accept the recommended order dismissing the appeal. Dr. Stevens seconded and the motion carried 6-0.

G. Charles Webb v. Justice and Public Safety Cabinet (Juvenile Justice) (2014-229)

Mr. Hutcheson moved to accept the recommended order dismissing the appeal. Ms. Cloyd seconded and the motion carried 6-0.

Show Cause Order – No Response Filed – Appeal Dismissed

Dr. Stevens moved to find that the Appellant had not responded to the show cause order and that the recommended order be accepted dismissing the appeal for failure to timely prosecute the appeal. Mr. Hutcheson seconded and the motion carried 6-0.

H. Brian Jones v. Cabinet for Health and Family Services

8. WITHDRAWALS

Judge Chandler moved to accept the following withdrawal of appeals *en bloc* and to dismiss the appeals. Dr. Stevens seconded and the motion carried 6-0.

- A. Cherish Cosby v. Personnel Cabinet
- B. Joshua Blair v. Justice and Public Safety Cabinet (Juvenile Justice)
- C. Jeffrey Brian Dees v. Justice and Public Safety Cabinet (Corrections)
- D. Victor Holt v. Justice and Public Safety Cabinet (Juvenile Justice)
- E. Thelma Jones v. Cabinet for Health and Family Services
- F. Michael Ortt v. Transportation Cabinet

9. **SETTLEMENTS**

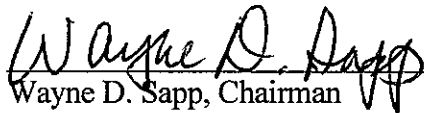
Judge Chandler moved to issue a settlement order and to sustain the appeal to the extent set forth in the settlement as submitted by the parties. Dr. Stevens seconded and the motion carried 5-0, with Mr. Gillis recusing.

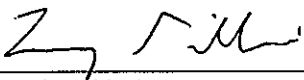
A. Kimberly Goodwin v. Public Protection Cabinet

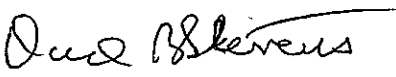
10. **OTHER**

Mr. Sipek stated that the Hon. Stafford Easterling from the Department of Corrections has invited the Board and staff to tour the prisons in LaGrange on Thursday, August 13, 2015. Mr. Sipek asked for feedback and to let Ms. Morris know who will be interested in participating.

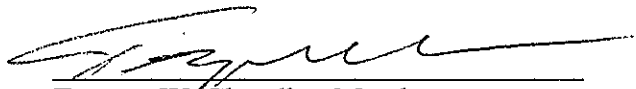
There being no further business, Dr. Stevens moved to adjourn. Mr. Hutcheson seconded and the motion carried 6-0. (11:15 a.m.)



Wayne D. Sapp, Chairman


Larry Gillis, Vice Chairman


David B. Stevens, Member


David F. Hutcheson, Member


Tommy W. Chandler, Member


Amanda Cloyd, Member